

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

REIDIE JACKSON,

Plaintiff,

v.

BOBBY LUMPKIN, *ET AL.*,

Defendants.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 5:24-CV-20-RWS-JBB

ORDER

Before the Court are Plaintiff Reidie Jackson's § 1983 civil rights claims. Docket No. 2. Plaintiff initially filed Case No. 5:21-cv-149 in the form of a petition for habeas corpus that also raised § 1983 civil rights claims.¹ The § 1983 claims were severed into the present lawsuit, which was referred to United States Magistrate Judge Boone Baxter in accordance with 28 U.S.C. § 636. Docket No. 1.

The Magistrate Judge issued a Report recommending that Plaintiff's claims be dismissed because Plaintiff has filed at least three lawsuits or appeals which have been dismissed as frivolous or for failure to state a claim. Docket No. 6 at 4. Accordingly, under 28 U.S.C. § 1915(g), Plaintiff is barred from proceeding *in forma pauperis* unless he shows that he is in imminent danger of serious physical injury at the time of the filing of the lawsuit. *Id.* at 3–4. After review of the pleadings, including the original complaint, the Magistrate Judge determined that Plaintiff had not paid the filing fee nor shown imminent danger at the time of filing. *See id.* at 4.

¹ Plaintiff's petition for writ of habeas corpus was ultimately dismissed. *See* Case No. 5:21-cv-149, Docket Nos. 38, 39.

Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report of the Magistrate Judge is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that Plaintiff Reidie Jackson is denied *in forma pauperis* status and the above-styled civil action is **DISMISSED WITH PREJUDICE** as to the refiling of *another in forma pauperis* lawsuit raising the same claims as herein presented, but without prejudice to the refiling of the lawsuit upon payment of the full \$405.00 filing fee. Should Plaintiff pay the full filing fee within 15 days after the date of entry of dismissal, he shall be allowed to proceed in the lawsuit as though the full fee were paid from the outset. Payment of the filing fee will not affect the process of screening for frivolousness or failure to state a claim under 28 U.S.C. § 1915A.

So ORDERED and SIGNED this 12th day of April, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE